

# PPM 452

## SELECTION OF SERVICES

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### ***VOCATIONAL REHABILITATION SERVICE REQUIREMENTS***

#### **452.01 SCOPE OF ALLOWABLE VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS**

As relevant and necessary to meet the vocational rehabilitation needs of each eligible individual, the Vocational Rehabilitation Counselor or other qualified professional signing the Individualized Plan for Employment (IPE) must assure that the plan and each plan amendment for the individual provides for:

- (1) vocational rehabilitation counseling and guidance, including information and support necessary for the individual to exercise informed choice;

(2) information and referral services necessary to assist applicants and eligible individuals to secure needed services from other federal and state programs, including from other component programs of the statewide workforce investment system, and to advise those individuals regarding the availability and services of the client assistance program (CAP) and how the CAP may be contacted for assistance;

(3) in accordance with the policies and practices described in PPM chapter 520, physical and mental restoration services, to the extent that such services and the funding for such services are not available from sources other than the Vocational Rehabilitation Program (such as from public, employer-provided, or private health insurance or other comparable services and benefits sources), and the provision of such services can be expected, within a reasonable period of time, to—

(A) correct or substantially improve a physical or mental impairment that is stable or slowly progressive, an acute exacerbation of an impairment that is otherwise stable or slowly progressive, or a medical complication or emergency associated with or arising out of the provision of other physical and mental restoration services also provided by the Vocational Rehabilitation Program (except that Vocational Rehabilitation Program assistance is not available and cannot be authorized for any costs of hospitalization or other medical treatment needs arising from medical malpractice or for any legal costs of a civil or criminal action brought against a service provider for malpractice), and

(B) eliminate or significantly reduce the individual's substantial impediment to employment;

(4) in accordance with the policies and practices described in PPM chapter 530, postsecondary academic and vocational training provided at colleges, universities, vocational schools, and other institutions of higher education, personal and vocational adjustment training, and other training (including tuition and fees, room and board, books and equipment, and other related costs of attendance), except that no training in an institution of higher education can be paid for with Vocational Rehabilitation Program funds unless maximum efforts have first been made to secure available grant assistance for the costs of such training, in whole or in part, and both grant assistance and the expected family contribution have been utilized;

- (5) assistive technology services and assistive technology devices, including, but not limited to, vehicle modifications and telecommunications, sensory, and other technological aids and devices;
- (6) Vocational Rehabilitation Program supporting services provided in connection with the rendering of any other primary (non-supporting) vocational rehabilitation service, including—
  - (A) program maintenance, as described in PPM chapter 581,
  - (B) program transportation, as described in PPM chapter 582,
  - (C) personal assistance services (such as interpreting and other assisted communication services, attendant services, reader services, and note taking services), and
  - (D) services to family members;
- (7) rehabilitation teaching services, orientation and mobility training services, and Randolph-Sheppard vending facility training and placement services for individuals who are blind;
- (8) supported employment services;
- (9) transition services;
- (10) for eligible individuals who are pursuing self-employment outcomes, including the establishment and operation of a small business enterprise—
  - (A) consultation and technical assistance services needed to conduct market analyses, and develop business plans, and
  - (B) the provision of related self-employment and business licenses and permits, tools and equipment, and initial stocks and supplies;
- (11) other occupational licenses and occupational tools and equipment;
- (12) job-related services, including job development, job search and job placement assistance, job retention services, and follow-up and follow-along services;

(13) post-employment services; and

(14) other goods and services determined to be necessary for the individual to achieve his or her planned employment outcome.

## **452.02 AUTHORITY FOR SERVICE PROVISION DECISIONS**

All decisions regarding the vocational rehabilitation services to be provided, their nature, scope, and duration, and the conditions and limitations of their provision must be made by the Vocational Rehabilitation Program solely, as determined by a qualified Vocational Rehabilitation Counselor or other authority employed by the Vocational Rehabilitation Program, and cannot be delegated to any other individual or agency.

*[REQUIRED PRACTICE. While the service needs of each individual are determined in consultation with the individual (and, as applicable, the individual's representative) and are based upon the advice of medical and other professionals, the final determination regarding the appropriateness and necessity of each specific service and whether or not it will be provided with program funding rests with the Vocational Rehabilitation Program alone; not with the individual or the individual's family or other representatives, evaluators, prescribing physicians, other service providers, or any other person or authority.]*

## **452.03 REQUIREMENTS FOR SERVICE SELECTION**

### **(1) INFORMED CHOICE**

All vocational rehabilitation services provided for each eligible individual under an approved IPE must be services of the individual's informed choice to the extent that the individual's choice is consistent with his or her own vocational rehabilitation needs and vocational strengths, resources, priorities, concerns, abilities, capabilities, and career interests, as described in PPM 110.04.

### **(2) VOCATIONAL RELEVANCE AND NECESSITY**

Vocational rehabilitation services provided under an approved IPE must include only services which:

(A) are relevant and necessary to the individual's vocational rehabilitation needs (required for the individual to prepare for, enter or

reenter, and maintain the employment outcome identified by the plan or plan amendment); and

(B) can reasonably be expected to contribute substantially to the achievement of the individual's employment outcome.

*[REQUIRED PRACTICE. The IPE must specify as vocational rehabilitation services to be provided only those services that have been determined on the basis of the assessment for determining eligibility and priority for services and the comprehensive assessment for determining vocational rehabilitation needs to: (1) address an identified, vocationally relevant impediment to employment; and (2) be required for the individual to achieve the planned employment outcome described in the IPE. The services specified in the IPE as services to be provided must be of a nature and scope sufficient to achieve the planned employment outcome.]*

### **(3) INTEGRATED SETTINGS**

Vocational rehabilitation services provided for eligible individuals must be provided in the most integrated settings possible, consistent with the informed choice of the individual, as described in PPM 110.05.

### **(4) ADHERENCE TO SPECIFIC SERVICE PROVISIONS**

Vocational rehabilitation services provided for eligible individuals must be:

(A) provided in a manner consistent with program policies and practices specific to the particular service; and

(B) (1) specified in the plan of services for the individual as services to be provided, and

(2) provided in accordance with the provisions of the current plan of services, including any applicable conditions or limitations specified by the plan.

*[REQUIRED PRACTICE. With regard to the IPE requirement described in paragraph (4)(B)(1) of this section, an unplanned service (i.e., a service not specified in the individual's IPE as to be provided) can be authorized on an emergency basis only, if service delay would jeopardize job placement, with prior supervisory approval and subsequent plan amendment within 10 business days, consistent with the requirements of PPM 450.14(2).]*

**(5) FULL AND PRIOR KNOWLEDGE, APPROVAL, AND AUTHORIZATION OF THE COUNSELOR**

All services provided must be obtained with the full and prior knowledge, approval, and authorization of the assigned Vocational Rehabilitation Counselor or another professional employed by the Vocational Rehabilitation Program, consistent with the requirements of PPM chapter 600.

*[REQUIRED PRACTICE. Service costs incurred by an individual without the full and prior knowledge, approval, and authorization of the assigned Vocational Rehabilitation Counselor or other qualified professional employed by the Vocational Rehabilitation Program (including, but not limited to, existing debt for services obtained prior to application) will not be paid for or reimbursed by the program, and are the responsibility of the individual and his or her family.]*

**452.04 ADDITIONAL REQUIREMENTS FOR SUPPORTED EMPLOYMENT OUTCOMES**

Supported employment services can only be provided:

(1) for individuals determined to be individuals with the most significant disabilities—

(A) for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability, and

(B) who, because of the nature and significance of their disabilities, need intensive supported employment services from the Vocational Rehabilitation Program and extended services after transition in order to secure and maintain a competitive employment outcome;

(2) in fully integrated settings; and

(3) for a period of time not to exceed 18 calendar months following the first job placement, unless the eligible individual (or, as applicable, the individual's representative) and the assigned Vocational Rehabilitation Counselor or other qualified professional employed by the Vocational Rehabilitation Program jointly agree to extend the services provided for a specified time and that the additional services can reasonably be expected

to result in the achievement of the supported employment outcome identified in IPE.

*[REQUIRED PRACTICE. Any agreement to extend supported employment services provision beyond 18 months required in accordance with paragraph (3) of this section must be a written agreement, signed and dated by both parties, must specify the duration of the extension agreed to, and must include information describing why there is a reasonable expectation that the extended period of services will result in the achievement of the supported employment outcome identified in the IPE. More than one extension can be made, but each extension agreed to must be for a specified duration not exceeding six months and must meet all requirements identified in policy and Required Practice. See also PPM chapter 570 for additional policy and procedures regarding supported employment outcomes and services.]*

#### **452.05 IN-STATE SERVICE PREFERENCE**

Services available in Indiana from in-state service providers are preferred over services obtained out-of-state, in accordance with the applicable policy and procedures described in PPM chapter 600.

#### **452.06 LOCAL COMMUNITY SERVICE PREFERENCE**

Services available within an individual's local community available at lower cost are preferred over services available outside the individual's local community at higher cost, in accordance with the applicable policy and procedures described in PPM chapter 600.

*[REQUIRED PRACTICE. For purposes of section 452.06, "local community" is defined in PPM chapter 200. The local community preference for services extends to all VR services, including, but not limited to, physical and mental restoration services and postsecondary training programs.]*

#### **452.07 PROHIBITED SERVICES**

The Individualized Plan for Employment (IPE) cannot include, and Vocational Rehabilitation Program funds cannot be authorized:

- (1) for the purchase, whether in whole or in part, of land for any individual;
- (2) (A) for the purchase or construction, whether in whole or in part, of any building for any individual (including, but not limited to, the building,

remodeling, or renovation of a house, a room addition or extension, a garage, or a barn or other outbuilding), except necessary accessibility and other disability-related modifications of existing structures, or

*[REQUIRED PRACTICE. For purposes of paragraph (2)(A) of this section, prohibited construction includes any construction requiring the extension of an existing foundation, exterior wall, or roof line, or the building of any self-contained, permanent structure not previously existing.]*

(B) for any portion of residential mortgage, lease, or rental payments, homeowner's or renter's insurance, residential utility payments, home improvements, maintenance and repairs, or any other usual and customary costs of home ownership;

(3) (A) for the purchase of any motor vehicle requiring titling or an operator's license (including, but not limited to, any passenger car, truck, or van, whether for personal transportation or business or other use by the individual), or

(B) for any related costs of vehicle ownership and operation (including, but not limited to, auto loan payments, auto insurance, vehicle maintenance or repairs, the costs of titling, licenses, or permits, or roadside assistance plans or auto club memberships);

(4) to purchase firearms or ammunition, alcohol or tobacco products, gambling services or products, or adult entertainment services or products;

(5) for life, medical, dental, or vision insurance for any individual;

(6) for abortion, contraceptives, euthanasia, or assisted suicide services;

(7) for any medical services that include—

(A) the services of an immediate care facility, medical clinic, hospital emergency room, or emergency medical technicians for the treatment of accidental injuries or acute illnesses **(unless the injury or illness has resulted from some other vocational rehabilitation service provided)**, or



(B) the treatment of complications or emergencies resulting from medical malpractice by any medical services provider;

(8) **for** ongoing medical **maintenance**, including, but not limited to the provision of ongoing therapeutic treatments and medications;

(9) to pay for legal representation or court costs in connection with any action to which the individual, the individual's representative, or a family member of the individual is a party, including, but not limited to, any of the costs of—

(A) legal representation for mediation or appeal proceedings, as described in PPM chapter 320,

(B) legal representation or other services involving civil or criminal actions brought by or against the individual or family, including medical malpractice, breach of contract, or other actions;

(10) for the provision of any goods or services that are not required for the individual to achieve his or her planned employment outcome;

(11) for the routine maintenance of any existing medical or assistive technology device or equipment (**including, but not limited to**, hearing aids, glasses, wheelchairs, artificial limbs, personal computers, and similar items);

*[REQUIRED PRACTICE. General and routine maintenance of existing medical and assistive technology devices and equipment are the sole responsibility of the individual or the individual's family. Included in the prohibition under paragraph (11) of this section is the use of state Vocational Rehabilitation Program funds for manufacturer's recommended maintenance and other general, routine, or regularly scheduled preventive maintenance.]*

(12) for the repair of any existing medical or assistive technology device or equipment (including, but not limited to, hearing aids, glasses, wheelchairs, artificial limbs, personal computers, and similar items), unless such repairs are required for:

(A) the individual to access and participate in other planned VR services (where the other services are identified by the individual's IPE as yet to be provided or to be continued); or

(B) job retention (where there is clear and convincing evidence of the threat of job loss);

**[REQUIRED PRACTICE. Program assistance for meeting the costs of consumables (such as hearing aid and wheelchair batteries, wheelchair tires, stump socks, and similar other parts and supplies) are not permitted under paragraph (2) of this section, and are the responsibility of the individual or the family of the individual.]**

(13) for the replacement of any existing medical or assistive technology device or equipment with new devices or equipment (e.g., new hearing aids, glasses, wheelchairs, artificial limbs, personal computers, and similar items), **unless** replacement is required based on a determination that the original device or equipment no longer meets the vocational rehabilitation needs of the individual because—

(A) changes in the individual's physical or mental impairment have resulted in a substantially revised prescription **requiring different devices or equipment, or**

(B) changes in the conditions of the individual's employment **have resulted in different job duties which** make different devices or equipment necessary for purposes of job performance, or

(C) the replacement of existing devices or equipment is required for job retention, where there is clear and convincing evidence of the threat of job loss;

**[REQUIRED PRACTICE. In accordance with paragraph (13) of this section, Vocational Rehabilitation Program assistance is available, and can be authorized, for the replacement of existing medical or assistive technology devices or equipment only when replacement is necessitated by changes in the individual's disability or conditions of employment, or for job retention purposes. In all such cases, the substantial changes in the impairment or employment, or the threat of job loss by the individual, must be identified and documented. Replacement of existing devices or equipment is not available for any other reasons, including, but not limited to, the desire to upgrade merely because a new or improved model is available or the fact that the value of the device or equipment has been zeroed out by depreciation for accounting purposes.]**

(14) for the purchase of duplicate tools, equipment, or supplies solely for contingency purposes against the possibility of breakage or the original items being temporarily unavailable or unusable;

*[REQUIRED PRACTICE. For purposes of paragraph (13) of this section, the Vocational Rehabilitation Program will not, for example, provide two pairs of eyeglasses, two hearing aids, or two ramps "just in case" one breaks or, for whatever reason, cannot be used.]*

(15) (A) to provide any service which is not vocationally relevant and necessary,

(B) for any portion of the cost of goods or services provided or funded by available comparable services and benefits for which the individual qualifies (including, but not limited to, any medical service, equipment, or supplies payable by Medicaid, employer-provided health care coverage, or private health insurance, or any postsecondary training costs for which federal, state, or institutionally based grants are available), or

(C) for any of the additional cost of services which arises solely as the consequence of an individual's choice of service, service provider, or method of service provision, if one or more other services, service providers, or methods of service provision meeting the individual's vocational rehabilitation needs are available that would incur no cost or less cost for the Vocational Rehabilitation Program—including, but not limited to, program maintenance, program transportation, services to family members, or personal assistance services (interpreting services, attendant care, reading services, or note taking services);

*[REQUIRED PRACTICE. If, for example, the individual's chosen training institution necessitates that attendant care be provided which would not have been necessary had the individual chosen another training institution offering the same training, the Vocational Rehabilitation Program will not pay for or reimburse the costs of the attendant care.]*

(16) in lieu of the financial participation requirement or, in the case of postsecondary training, the expected family contribution (EFC) of the individual or the family of the individual; or

(17) any other service specifically prohibited elsewhere by Vocational Rehabilitation Program policy and practice.

### ***RECORD OF SERVICES DOCUMENTATION REQUIREMENTS***

#### **452.08 RECORD OF SERVICES CONTENT REQUIREMENTS**

The record of services of the individual must include, as applicable to each individual:

- (1) the IPE, and any amendments to the IPE, consistent with the requirements of PPM chapter 450;
- (2) documentation describing the extent to which the eligible individual exercised informed choice in the selection of the services provided for under the IPE, the settings in which the services were provided, the service provider(s) utilized, and the methods used to procure the services;
- (3) if supported employment services have been provided during the individual's Vocational Rehabilitation Program participation, documentation showing that the requirements of section 452.04 have been met;
- (4) in the event that the IPE provides for services in a non-integrated setting, a justification demonstrating the need for the provision of services in a non-integrated setting; and
- (5) in the case of the record of services of each individual who has achieved an employment outcome, documentation demonstrating that the services provided under the individual's IPE contributed substantially to the achievement of the employment outcome.

#### **452.09 INFORMATION TECHNOLOGY SYSTEM COMPLIANCE**

All required information, data, and documents must be incorporated into and maintained in the record of services for the individual in a manner consistent with Indiana Rehabilitation Information System (IRIS) requirements.

[AUTHORITY: Federal regulations 34 CFR 76.533 (cf. 34 CFR 80.3, "Real property" and 361.4(a)(2) and (5)); 34 CFR §§361.5(b)(6), (7), (8), (10), (15), (16), (19), (21), (32),

(33), (35), (39), (40), (42), (53), (54), (55), and (57); 361.13(c); 361.45; 361.46; 361.47; 361.48; 361.50; 361.51; 361.52; 361.53; and 361.54.]

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